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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,088	06/06/2000	Jeffrey G. Reh	TI-29015	8880

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EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/588,088

Applicant(s)

REH ET AL.

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 6-8, 10-13, 16, 17 and 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 14, 15 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Applicant's election with traverse of Group III in Paper No. 8 is acknowledged. The traversal is on the ground(s) that "A review of the Office Action reveals that the Examiner has failed to clearly indicate how the subject matter recited in the claims in issue relating to the respective groups represents both independent and distinct inventions as required by 35 U.S.C. § 121." and "A review of the Office Action reveals that the Examiner has failed to provide any indication as to how or why a search and examination of all 25 claims in the instant application, would create a serious burden on the part of the U.S. Patent and Trademark Office." This is not found persuasive because Applicant defines three mutually exclusive Species of the invention and a different search need not be shown to show burden for such requirement. See MPEP 803 & 808.01(a).

The requirement is still deemed proper and is therefore made FINAL.

Claims 6-8, 10-13, 16-17 and 22-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,9,14-15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al.(U.S. Patent 5,808,995).

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Regarding claim 1, Nakamura et al shows a mass memory storage device comprising: a support arrangement (inherent) configured to support a mass memory storage medium which stores data at a substantially uniform density ; a drive arrangement (Fig. 1; element 2; See also column 6, lines 55-65) operatively connected to the support arrangement such that the drive arrangement rotates the mass memory storage medium at a substantially constant rotational speed when the mass memory storage device is operated in its intended way; a read head (Fig. 1; element 3; See also column 6, lines 55-65) for reading the data stored on the mass memory storage medium, the read head being positioned adjacent to the stored data on the medium and the read head being movable relative to the medium such that when the mass memory storage medium is rotated at the constant speed, the data is read at a variable rate; and a read channel arrangement (Fig. 1; element 6; See also column 7, lines 1-5) for processing the data read by the read head, the read channel arrangement having a substantially continuously variable read channel data processing rate which varies according to the rate at which the read head reads the data from the mass memory storage medium(Fig. 1; element 1; See also column 6, lines 55-65).

Regarding claim 2, Nakamura et al shows a device according to Claim 1, wherein the device is a CD drive and the medium is a CD (Abstract).

Regarding claim 3, Nakamura et al shows a device according to Claim 1, wherein the CD is a standard format CD in which the data is stored at a substantially uniform density along a spiral track(Abstract).

Regarding claim 4, Nakamura et al shows a device according to Claim 3, wherein the read head is moved radially as the drive arrangement rotates the CD at a substantially constant rotational speed such that the read head follows and reads data from the spiral track(Abstract).

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Regarding claim 5, Nakamura et al shows a device according to Claim 3, wherein the read channel data processing rate varies in direct relationship with the radial position of the read head, thereby allowing the read channel arrangement to process the data read by the read head at the rate at which the data is being read by the read head from the spiral track of the CD (Abstract).

Regarding claim 9, Nakamura et al shows a device according to Claim 1, wherein the read head is an optical read head (column 1, lines 10-25).

Regarding claim 14, Nakamura et al shows a computer system including a mass memory storage device for reading data stored on a data storage surface of a mass memory storage medium, the mass memory storage device comprising: a housing (inherent) that receives and supports a mass memory storage medium which stores data at a substantially uniform density; a drive assembly (Fig. 1; element 2; See also column 6, lines 55-65) operatively connected to the housing such that when the device is operated in its intended way, the drive assembly rotates the medium at a substantially constant rotational speed; a read head (Fig. 1; element 3; See also column 6, lines 55-65) for reading the data from the data storage surface of the medium, to the read head being movably supported by the housing adjacent to the data storage surface of the medium, thereby causing the read head to read the data stored on the medium such that when the mass memory storage medium is rotated at the constant speed, the data is read at a variable rate; and a read channel arrangement (Fig. 1; element 6; See also column 7, lines 1-5) operatively connected to the read head, the read channel arrangement including a read channel processor which processes the data read by the read head and which has a continuously variable data

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processing rate that is varied according to the rate at which the read head reads the data on the medium.

Regarding claim 15, Nakamura et al shows a computer system according to Claim 14, wherein the device is a CD drive and the medium is a CD (Abstract).

Regarding claim 18, Nakamura et al shows a method of reading data stored on a mass memory storage medium, the method comprising the steps of: supporting the mass memory storage medium having data stored on the medium at a substantially uniform density; rotating the medium at a substantially constant speed; using a read head, reading the data stored on the medium by positioning the read head adjacent to a desired portion of the medium and moving the read head relative to the medium as the data is read such that when the mass memory storage to medium is rotated at the constant speed, the data is read at a variable rate; and using a read head processor having a continuously variable processing rate, processing the data read by the read head by varying the processing rate according to the rate at which the read head reads the data on the medium.

Regarding claim 19, Nakamura et al shows a method according to Claim 18, wherein the medium is a medium having data stored on the medium at a substantially uniform density selected from the group including (i) a CD having data stored optically on a data storage surface of the CD, (ii) a hard disk having data stored magnetically, and (iii) a floppy disk having data stored magnetically (Abstract).

Regarding claim 20, Nakamura et al shows a method of storing data on a mass memory storage medium having a substantially uniform data storage density, the method comprising the steps of: supporting the mass memory storage medium (Fig. 1; element 1; See also column 6,

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lines 55-65) for rotation; rotating the medium at a substantially constant speed; using a write head, storing the data to the medium by positioning the write head, adjacent to a desired portion of the medium while the medium is rotated at the constant speed and moving the write head relative to the medium as the data is stored; and using a write head controller medium (Fig. 1; element 8; See also column 7, lines 30-35) having a continuously variable data storing rate, storing the data on the medium by varying the data storing rate according to the position of the write head such that the data is stored at a substantially uniform density(Abstract).

Regarding claim 21, Nakamura et al shows a method according to Claim 20, wherein the medium is a medium selected from the group including (i) a CD having data stored optically on a data storage surface of the CD, (ii) a hard disk having data stored magnetically, and (iii) a floppy disk having data stored magnetically (Abstract).

### *Cited References*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references are all related to the single speed mass memory storage apparatus.

### *Point of Contact*

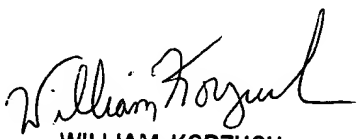
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le

  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.